

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910880-TC
proceedings against ADTEC COMMUNICATIONS,)	
INC. for violation of service standards)	ORDER NO. 25235
and Rule 25-4.043, F.A.C., Response)	
Requirement.)	ISSUED: 10/18/91
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL McK. WILSON

ORDER TO SHOW CAUSE WHY
A FINE SHOULD NOT BE IMPOSED

BY THE COMMISSION:

Adtec Communications, Inc. (Adtec) has been a certificated pay telephone service (PATS) provider since August 12, 1985. As a certificated PATS provider, Adtec is subject to our jurisdiction.

On April 29, 1991, our staff performed service evaluations on two pay telephones operated by Adtel in Bal Harbour. These evaluations indicated violations of Rule 25-24.515(11), Florida Administrative Code, which provides:

25-24.515(11) Where there are fewer than three telephones located in a group, a directory for the entire local calling area shall be maintained at each station. Where there are three or more telephones located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone stations are fully enclosed, a directory shall be maintained at each station.

The evaluator also noted an apparent violation of Rule 25-24.515(13), Florida Administrative Code, which provides:

25-24.515(13) Each telephone station installed after January 5, 1987 shall conform to subsections 4.92.2 - 4.92.7 - 4.29.8 of the American National Standards Specifications for Making Buildings and Facilities Accessible and Usable by Physically Handicapped People, approved February 5, 1986 by the American National

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. 25235
DOCKET NO. 910880-TC
PAGE 2

Standards Institute, Inc. (ANSI A117.1-1986). Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, such stations shall be laced in areas accessible to the physically handicapped.

On June 6, 1991, our staff sent Adtec a letter requesting corrective action and a written response within 15 days. No response to this initial communication was ever filed. On June 20, 1991, our staff sent Adtec a certified letter again requesting corrective action and a response within 15 days. Again, no response was forthcoming.

Rule 24-4.043, Florida Administrative Code, provides:

24-4.043 Response to Commission Staff Inquiries. The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Adtec's failure to file a response to our staff's communications appears to violate Rule 24-4.043.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Adtec Communications, Inc. is required to show cause why it should not be fined \$2,000 for the violations alleged in the body of this Order. It is further

ORDERED that any response to this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that this docket shall remain open pending resolution of the show cause process. It is further

ORDERED that if Adtec Communications, Inc. fails to file a timely response to this Order, Certificate No. 100 shall be administratively canceled and this docket closed.

ORDER NO. 25235
DOCKET NO. 910880-TC
PAGE 3

By ORDER of the Florida Public Service Commission, this 18th
day of OCTOBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 11/7/91.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida

ORDER NO. 25235
DOCKET NO. 910880-TC
PAGE 4

Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.